

**Notice of Allowability**

Application No.

10/628,190

Examiner

Travis M Reis

Applicant(s)

WEISENFELD, NEIL LAWRENCE

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/14/4 & phone interview on 9/24/4.
2. ☒ The allowed claim(s) is/are 1,5-9,12-14,16-18 and 20.
3. ☒ The drawings filed on 28 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bullock on 9/24/4.

The application has been amended as follows:

In claim 1, line 10, after "second position", the following text has been inserted ---a shield member joined to and extending from said support portion, said shield member being in facing relationship with said support portion, and said indicator arm being disposed between said support portion and said shield portion---

In claim 7, line 10, after "flap", the following text has been inserted --- a shield member joined to and extending from said support portion, said shield member being in facing relationship with said support portion, and said indicator arm being disposed between said support portion and said shield portion---

Claims 3 & 10 have been ---cancelled---

In claims 5, 6, 8, 12, 16-18, line 1, the following status indicators have been inserted: --(Original)---

In claim 13, line 3, "mrder" has been replaced with ---marker---

2. The following is an examiner's statement of reasons for allowance:

With reference to claim 1, 5, & 6, the prior art of record does not disclose or clearly suggest a file marker device for a folder comprising a front flap having a first top edge, a rear flap connected to the front flap by a folder bottom, the rear flap having a second top edge, the

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folder comprising a plurality of equally spaced parallel slots near at least a first or second top edge, the device comprising said indicator arm being disposed between said support portion and said shield portion.

With reference to claim 7-9 & 12, the prior art of record does not disclose or clearly suggest a file marker device for a folder comprising a front flap having a first top edge, a rear flap connected to the front flap by a folder bottom, the rear flap having a second top edge, the device comprising said indicator arm being disposed between said support portion and said shield portion.

With reference to claims 13, 14, 16-18, & 20, the prior art of record does not disclose or clearly suggest a file marker device for a folder comprising a front flap having a first top edge, a rear flap connected to the front flap by a folder bottom, the rear flap having a second top edge, the file marker device comprising an elongated indicator arm disposed interiorly of said U-shaped member, in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

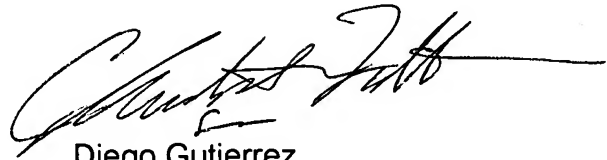
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for

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the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis  
Examiner  
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tmr  
September 28, 2004

A handwritten signature in black ink, appearing to read 'Diego Gutierrez', with a long horizontal line extending to the right.

Diego Gutierrez  
Supervisory Patent Examiner  
Technology Center 2800

**CHRISTOPHER W. FULTON**  
**PRIMARY EXAMINER**